

Yost, Adam B LCDR OJAG, Code 14

From: (b) (6) @aol.com
Sent: Friday, February 02, 2018 20:18
To: Lattin, Grant E CIV OJAG, CODE 14; (b) (6) LCDR OJAG, Code 13; Foster, Kirk A CAPT AJAG, 01; (b) (6) .CIV@navy.mil; (b) (6) @navy.mil; (b) (6) @navy.mil; (b) (6) @navy.mil; (b) (6) @mail.mil; Farris, Griffin T LT, NR RLSD NDW, 84203; (b) (6) @navy.mil; Inch, Adam E LCDR OJAG, Code 14; Yost, Adam B LCDR OJAG, Code 14; Winston, Wendy A CIV OJAG, CODE 14; Patterson, Robin L CIV OPNAV, DNS-36; Julka, Christopher A CIV DON, CIO; (b) (6) @navy.mil; Strong, Richard R CIV OPNAV; donfoia-pa@navy.mil; (b) (6) .ctr@navy.mil; Patterson, Robin L CIV OPNAV, DNS-36; (b) (6) .ctr@mail.mil; (b) (6) @navy.mil; (b) (6) .ctr@navy.mil; (b) (6) @aol.com
Cc:
Subject: [Non-DoD Source] CORRECTED. DON 18-At.1 FOIA Request DON-NAVY-2018-004011 Submitted
Attachments: FOIA DON 18-AT.1 Case Records Patterson Performance Standards.pdf

CORRECTED. FOIA Request DON 18-AT.1. FOIA Case Records of Request: Patterson Performance Standards, Request DON-NAVY-2015-006938, Appeal DON-NAVY-2018-003669

This Request will be timely for Judicial Review in twenty working days

From: DONFOIA-PA@navy.mil
To: (b) (6) @aol.com
Sent: 2/2/2018 8:00:43 PM Eastern Standard Time
Subject: FOIA Request DON-NAVY-2018-004011 Submitted

This message is to confirm your request submission to the FOIAonline application: View Request <<https://foiaonline.regulations.gov:443/foia/action/public/view/request?objectId=090004d2817dee34>> . Request information is as follows:

- * Tracking Number: DON-NAVY-2018-004011
- * Requester Name: robert hammond
- * Date Submitted: 02/02/2018
- * Request Status: Submitted

* Description: FOIA Request DON 18-AT.1. FOIA Case Records of Request: Patterson Performance Standards, Request DON-NAVY-2015-006938, Appeal DON-NAVY-2018-003669 ***This Request will be timely for Judicial Review in twenty working days*** RECORDS SOUGHT VIA FOIA. I am respectfully seeking: 1. All records of any kind in the possession of DON JAG, DON FOIA/PA Office or DON Public Liaison Office related to my subject Request and Appeal at Enclosure (1) (Request DON-NAVY-2015-006938, Appeal DON-NAVY-2018-003669) from the time that my FOIA Request was submitted on April 11, 2014 to present. 2. Such records would include but not be limited to: a. All records in BUMED's FOIA case file (which should contain all records related to my Request). b. Any communications by

email, fax or in any other format related to my FOIA Request at Enclosure (1) the appeal thereof or any subsequent proceedings between any of the following parties: 1) OPNAV DNS-36; 2) DON FOA/PA; 3) Robin Patterson (DON FOIA/PA); 4) DON CIO; 5) DON JAG; 6) Julka, Christopher A CIV DON, CIO; 7) DON FOIA Public Liaison; 8) DONFOIA-PA; 9) (b) (6) @FE.NAVY.MIL <mailto:(b) (6) @FE.NAVY.MIL>, 10) (b) (6) @mail.mil <mailto:(b) (6) @mail.mil>, (b) (6) .ctr@navy.mil <mailto:(b) (6) .ctr@navy.mil>, 1) (b) (6) @navy.mil <mailto:(b) (6) @navy.mil>, 2) (b) (6) .ctr@navy.mil <mailto:(b) (6) .ctr@navy.mil>; 3) Me (Robert Hammond); 4) The member of the DON JAG staff that contacted the DON FOIA/PA Office during my Appeal who allegedly agreed to release records. c. Any records of forwarding my FOIA Request or Appeals and any responses thereto. d. Correspondence route sheets. e. Internal notes. f. Action Officer notes g. Certified mail delivery receipts. 3. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request. REQUESTED FORMAT. I am requesting that documents provided as a single PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page

Robert Hammond

(b) (6)

(b) (6) @aol.com <mailto:(b) (6) @aol.com>

February 2, 2018

Department of the Navy via FOIA Online, <https://foiaonline.regulations.gov/>
<<https://foiaonline.regulations.gov/>>

Subject: CORRECTED. FOIA Request DON 18-AT.1. FOIA Case Records of Request: Patterson Performance Standards, Request DON-NAVY-2015-006938, Appeal DON-NAVY-2018-003669

References: (a) The Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended,

(b) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"

(c) The Privacy Act ("PA") of 1974, 5 U.S.C. § 552a, et seq., as amended

(d) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(e) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(f) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(g) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

- (i) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
- (j) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

This Request will be timely for Judicial Review in twenty working days

Dear FOIA Officer,

I am submitting this request under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq., as amended. If you deny all or any part of this request, please cite each specific exemption you think justifies your decision not to release the information and notify me of appeal procedures available under the law. References cited above apply.

BACKGROUND.

My FOIA Appeal of my FOIA Request seeking the performance standards of Robin Patterson DON FOIA/PA Office is at enclosure (1)

The DON JAG final determination letter is at Enclosure (2) That determination letter improperly declares portions of my appeal moot based upon an alleged agreement by DON FOIA/PA Office to release the records, which are the subject of my appeal. DON JAG' actions are improper. DON JAG is required to sustain my appeal.

DON FOIA/PA Office has never released the responsive records.

My FOIA requests relate to the operations of government. I have been providing documents regarding a lack of integrity in the FOIA and Privacy Act processes and what I believe to be extensive, inaccurate/false reporting to the Attorney General of the United States and Congress. Involving Walter Reed, Defense Health Agency(DHA) and Department of Navy (DON).

There is substantial interest in the identities of all persons involved in this case. Preemptively, I will oppose any (b)(6) and (b)(5) redactions.

I am hoping that DOD will deliver fully accurate FY 2017 Reports to the Attorney General and Congress and will amend such past reports submissions as appropriate

RECORDS SOUGHT VIA FOIA.

I am respectfully seeking:

1. All records of any kind in the possession of DON JAG, DON FOIA/PA Office or DON Public Liaison Office related to my subject Request and Appeal at Enclosure (1) (Request DON-NAVY-2015-006938, Appeal DON-NAVY-2018-003669) from the time that my FOIA Request was submitted on April 11, 2014 June 2-0, 2015 to present.

2. Such records would include but not be limited to:

a. All records in BUMED's FOIA case file (which should contain all records related to my Request).

b. Any communications by email, fax or in any other format related to my FOIA Request at Enclosure (1) the appeal thereof or any subsequent proceedings between any of the following parties:

1. OPNAV DNS-36;
2. DON FOA/PA;
3. Robin Patterson (DON FOIA/PA);
4. DON CIO;
5. DON JAG;
6. Julka, Christopher A CIV DON, CIO;
7. DON FOIA Public Liaison;
8. DONFOIA-PA;
9. (b) (6) @FE.NAVY.MIL <mailto:(b) (6) @FE.NAVY.MIL> ,
10. (b) (6) @mail.mil, (b) (6) .ctr@navy.mil,
1. (b) (6) @navy.mil,
2. (b) (6) .ctr@navy.mil <mailto:(b) (6) .ctr@navy.mil> ;

3. Me (Robert Hammond);

4. The member of the DON JAG staff that contacted the DON FOIA/PA Office during my Appeal who allegedly agreed to release records.

c. Any records of forwarding my FOIA Request or Appeals and any responses thereto.

d. Correspondence route sheets.

e. Internal notes.

f. Action Officer notes

g. Certified mail delivery receipts.

3. I am also requesting that a copy of this FOIA Request (which is an agency record) be included as a responsive record integral to my Request.

Requested Format.

I am requesting that documents provided as a single PDF file by return email with: (1) a signed and dated cover letter (citing my personally assigned requester control number); (2) with record page count for all records released records (3) a copy of this request in your reply. I seek records via email in PDF format with an imbedded copy of my requests to (1) impede the agency from not addressing the FOIA Request; (2) impede the Agency from not providing the documents stated in the Agency's letter reply, and (3) make it obvious in any subsequent review what the Agency has or has not done.

Please do not combine this request with any other request in your reply. I am requesting that each element of the records sought be specifically addressed in the reply.

Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to \$25. If the fees exceed this amount please advise me of the cost before proceeding. I do not believe that there should be any charge for providing these records, as there is public interest in government operations. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." When agencies determine that "unusual" circumstances apply to the processing of a request, and they have provided "timely written notice to the requester," the delay is "excused for an additional 10 days. If the agency fails to comply with the extended time limit," it may not charge search fees." I would note that because I am requesting a PDF file, there should not be a per page copy fee. I am requesting a fee waiver.

PUBLIC INTEREST. The accuracy and integrity of DOJ JAGs FOIA process and FOIA reporting are in the public interest. The subject of the requested records concerns "the operations or activities of the government." The disclosure is "likely to contribute" to an understanding of government operations or activities. There is no commercial interest. There is significant public interest.

DOD POLICY – PUBLIC TRUST.

Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

PRESERVATION OF RECORDS AND SEARCHES PERFORMED. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer. Records of responsive searches would include but not be limited to: Searches conducted for each specific record sought and all other records known to the Agency, including dates, manner of searching, responsible agent or employee conducting each search and the results thereof. Any deletion of potentially responsive records by any party having knowledge of this Request may be a violation of law. In any subsequent proceedings, I may seek sworn declarations.

Perjury

Whoever-

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

18 U.S. C. § 1621 - Perjury generally (June 25, 1948, ch. 645, 62 Stat. 773

<<http://uscode.house.gov/statviewer.htm?volume=62&page=773>> ; Pub. L. 88-619, §1, Oct. 3, 1964, 78 Stat. 995

<<http://uscode.house.gov/statviewer.htm?volume=78&page=995>> ; Pub. L. 94-550, §2, Oct. 18, 1976, 90 Stat. 2534

<<http://uscode.house.gov/statviewer.htm?volume=90&page=2534>> ; Pub. L. 103-322, title XXXIII, §330016(1)(I), Sept. 13, 1994, 108 Stat. 2147. <<http://uscode.house.gov/statviewer.htm?volume=108&page=2147>>

Alteration/DESTRUCTION OF Records

Whoever knowingly alters, destroys, mutilates, conceals, covers up, falsifies, or makes a false entry in any record, document, or tangible object with the intent to impede, obstruct, or influence the investigation or proper administration of any matter within the jurisdiction of any department or agency of the United States or any case filed under title 11, or in relation to or contemplation of any such matter or case, shall be fined under this title, imprisoned not more than 20 years, or both. 18 U.S. Code § 1519 - Destruction, alteration, or falsification of records. (Added Pub. L. 107-204, title VIII, §802(a), July 30, 2002, 116 Stat. 800.)

IMPROPERLY WITHHOLDING RECORDS

Pursuant to FOIA:

"Whenever the court orders the production of any agency records improperly withheld from the complainant and assesses against the United States reasonable attorney fees and other litigation costs, and the court additionally issues a written finding that the circumstances surrounding the withholding raise questions whether agency personnel acted arbitrarily or capriciously with respect to the withholding, the Special Counsel shall promptly initiate a proceeding to determine whether disciplinary action is warranted against the officer or employee who was primarily responsible for the withholding. The Special Counsel, after investigation and consideration of the evidence submitted, shall submit his findings and recommendations to the administrative authority of the agency concerned and shall send copies of the findings and recommendations to the officer or employee or his representative. The administrative authority shall take the corrective action that the Special Counsel recommends." 5 U.S.C. § 552(a)(4)(F)(i).

Subordination of perjury

The term subornation of perjury further describes the circumstance wherein an attorney at law [causes a client to lie under oath or allows another party to lie under oath](https://en.wikipedia.org/wiki/Lawyer)

Title 18 U.S.C. [§ 1622](https://en.wikipedia.org/wiki/Title_18_of_the_United_States_Code) [provides:](https://www.law.cornell.edu/uscode/text/18/1622)

Whoever procures another to commit any perjury is guilty of subornation of perjury, and shall be fined under this title or imprisoned not more than five years, or both.

LEGAL FRAMEWORK OF FOIA

1. The definition of "records" includes:

"[A]ll books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures,

operations, or other activities of the Government or because of the informational value of data in them." 44 U.S.C. § 3301 (emphasis supplied).

2. FOIA requires that "each agency, upon any request for records which (i) reasonably describes such records and (ii) is made in accordance with published rules stating the time, place, fees (if any), and procedures to be followed, shall make the records promptly available to any person" 5 U.S.C. § 552(a)(3)(A).

3. FOIA requires that "each agency shall establish a system to assign an individualized tracking number for each request received that will take longer than ten days to process and provide to each person making a request the tracking number assigned to the request" 5 U.S.C. § 522(a)(7)(A).

4. FOIA requires that each agency shall "establish a telephone line or Internet service that provides information about the status of a request to the person making the request using the assigned tracking number, including the date on which the agency originally received the request; and an estimated date on which the agency will complete action on the request. 5 U.S.C. § 522(a)(7)(B).

5. FOIA also requires federal agencies to make a final determination on FOIA administrative appeals that it receives within twenty days (excepting Saturdays, Sundays, and legal public holidays) after the receipt of such appeal, unless the agency expressly provides notice to the requester of "unusual circumstances" meriting additional time for responding to a FOIA request. 5 U.S.C. § 552(a)(6)(A)(ii).

6. FOIA expressly provides that a person shall be deemed to have constructively exhausted their administrative remedies if the agency fails to comply with the applicable time limitations provided by 5 U.S.C. § 552(a)(6)(A)(i) - (ii). See also 5 U.S.C. § 552(a)(6)(C).

7. FOIA provides that any person who has not been provided the records requested pursuant to FOIA, after exhausting their administrative remedies, may seek legal redress from the Federal District Court to enjoin the agency from withholding agency records and to order the production of any agency records improperly withheld from the complainant.

8. Regarding the names of the FOIA requesters, the courts have held that under the FOIA requesters do not have an expectation of privacy. *Stauss v. IRS*, 516 F. Supp. 1218, 1223 (D.D.C. 1981),

9. Under FOIA, the federal agency has the burden of sustaining its actions. 5 U.S.C. § 552(a)(4)(B).

10. Pursuant to FOIA, a Court may assess attorney fees and litigation costs against the United States if the Plaintiff prevails in an action thereunder. 5 U.S.C. § 552(a)(4)(E).

11. Department of Justice (DOJ) has issued a handbook addressing FOIA Annual Reports. See DOJ, Handbook for Agency Annual Freedom of Information Act Reports, "Disposition of FOIA Requests," (available at http://www.justice.gov/sites/default/files/oip/pages/attachments/2014/11/04/departments_of_justice_handbook_for_agency_annual_freedom_of_information_act_reports.pdf) ("DOJ Handbook").

12. Among other things, the DOJ Handbook states, "All requests (perfected and non-perfected), appeals, and consultations that were pending at any time during the relevant fiscal year [October 1st through September 30th] will be captured."

13. The DOJ Handbook also states:

"[E]ach agency is ultimately responsible for the accuracy and completeness of its Annual FOIA Report. It is therefore essential for agencies to take steps that will ensure that they are adequately tracking all of the information necessary to complete the Annual FOIA Report sections detailed below. Agencies that utilize a tracking or case

management system for this purpose are responsible for ensuring that the system they are using can produce an accurate Annual FOIA Report that is in compliance with the law and Department of Justice guidance." DOJ Handbook, at 3.

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you very much in advance.

With my respect,

Robert Hammond

Enclosures:

(1) Hammond Appeal of FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office

(2) DON JAG Final Determination Letter of November 3, 2015

Yost, Adam B LCDR OJAG, Code 14

From: Bob Hammond <(b) (6)@aol.com>
Sent: Sunday, January 28, 2018 9:14
To: Kiamos, Paul C CAPT AJAG 01, Front Office; Inch, Adam E LCDR OJAG, Code 14; Yost, Adam B LCDR OJAG, Code 14; Winston, Wendy A CIV OJAG, CODE 14; Lattin, Grant E CIV OJAG, CODE 14; (b) (6) LCDR OJAG, Code 13; Foster, Kirk A CAPT AJAG, 01; (b) (6) CIV@navy.mil; Patterson, Robin L CIV OPNAV, DNS-36; (b) (6) .ctr@mail.mil; (b) (6) CTR OPNAV; Strong, Richard R CIV OPNAV (b) (6) @navy.mil
Cc: (b) (6) civ@mail.mil; (b) (6) civ@mail.mil
Subject: [Non-DoD Source] Appeal of My FOIA Request - Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office
Attachments: Patterson Appeal.pdf

Please provide me the current status of my Request seeking Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office and the attached appeal/remand, which DON JAG states was remanded to DON FOIA/PA after. Please post ALL responsive records, including the appellate decision to FOIAonline with full public access.

Tracking Number : DON-NAVY-2015-006938

Full Name : Mr. robert hammond

Date Submitted : 06/20/2015

Closed Date : 03/25/2016

Request Track : Simple

Final Disposition : Partial grant/partial denial

DON JAG. Nine months... really?

Thank you.

With my respect,

Robert Hammond

Yost, Adam B LCDR OJAG, Code 14

From: Yost, Adam B LCDR OJAG, Code 14
Sent: Friday, January 26, 2018 13:13
To: Zeigler, Richard D. Assistant to the General Counsel
Subject: RE: DON-NAVY-2018-003669
Signed By: adam.yost@navy.mil

Copy all Rich, if you have a second, give me a call about the below.

V/r,

Adam B. Yost
LCDR, JAGC, USN
General Litigation (Code 14)
Office of the Judge Advocate General
Phone: (b) (6)
Email: adam.yost@navy.mil
SIPR: adam.yost@navy.smil.mil

This email may contain privacy sensitive information which is "FOR OFFICIAL USE ONLY - PRIVACY SENSITIVE: Any misuse or unauthorized disclosure may result in both civil and criminal penalties."

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-----Original Message-----

From: Zeigler, Richard D. Assistant to the General Counsel
Sent: Friday, January 26, 2018 8:58 AM
To: Yost, Adam B LCDR OJAG, Code 14
Cc: Zeigler, Richard D. Assistant to the General Counsel
Subject: DON-NAVY-2018-003669

Adam: Found it here. OJAG must have transferred it, though I have not yet found a record of that. In any case, (b) (6) was working it as early as July 23, 2015, even though she did not record it as an appeal until November, which is why I missed it on my first attempt to find it. I think I have it now, so will assign to myself in FOL. V/R, RDZ

Adam:

Subject appeal is a Robert Hammond appeal. He claims that he appealed to OJAG in July 2015 (the original request was DON-NAVY-2015-006938 in which he requested performance standards for Robin Patterson's position) and never received an answer. I suspect that OJAG received it and forwarded it to OGC, but I have not found it yet in our records. I

will dig further. Would you be able to dig into your files, as well, and see if your predecessor transferred it here and, if so, the approximate date? I don't think even OJAG had yet switched to FOL.

It is odd that he is raising it now, almost three years later.

V/R, RDZ

Lattin, Grant E CIV OJAG, CODE 14

From: (b) (6) @aol.com
Sent: Saturday, July 18, 2015 7:06
To: Lattin, Grant E CIV OJAG, CODE 14
Cc: DONFOIA-PA
Subject: FOAI Appeal - DON- NAVY-2015 - 006938
Attachments: ENCLOS~4.PDF

Robert Hammond

(b) (6)

(b) (6) @aol.com

July 17, 2015

Office of the Judge Advocate General

General Litigation Division (Code 14)

1322 Patterson Ave., SE, Suite 3000

Washington Navy Yard, DC 20374-5066

Subject: Appeal of My FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON)
PA/FOIA Program Office

My Personal Reference Number: FOIA DON 15-B

DON Assigned Agency FOIA Case Number DON- NAVY-2015 - 006938

References: (a) The Freedom of Information Act (FOIA)

(b) The Privacy Act

(c) CFR 164.526

(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(e) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

(e) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011: "Your Right to Federal Records" (see <http://publications.usa.gov/USAPubs.php?PubID=6080> <<http://publications.usa.gov/USAPubs.php?PubID=6080>>)

(g) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(h) Department of Justice Freedom of Information Act Guide, May 2004 at Exemption 6
<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6> <<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6>>

Enclosure: (1) My FOIA Request of June 20, 2015 Subject FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office

(2) DON final decision letter 5720, Ser DNS-36SF/15U106036 of 29 JUN 15 with responsive documents

Dear Sir:

This appeal is submitted under the references above for my FOIA request dated June 20, 2015 at Enclosure (1), which seeks records of the current performance standards of Ms. Robin Patterson as described below. The Agency's reply is at Enclosure (2). The Agency is improperly denying portions of my request inappropriately citing the FOIA Exemption (b)(6) and asserting that release would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. 552(b)(6). There is no personal privacy interest in the information sought. This denial is capricious, arbitrary and a misuse of the privacy exemption. In addition, some information has been reacted without a clear citation of the authorized exemption and the records provided are otherwise incomplete.

Records Sought Under the FOIA. For the government official identified as Robin Patterson Head, Department of the Navy (DON) PA/FOIA Program Office, Office of the Chief of Naval Operations 2000 Navy Pentagon Washington, DC 20350-2000, I am respectfully seeking the current and most recent performance standards. Note that I am not seeking the performance evaluations, only the performance standards. Other agencies have freely released this information for their personnel without charge.

Basis for Appeal.

1. I am appealing that the Agency has redacted the information contained in block 3 of Enclosure (2) entitled EMPLOYE ID citing exemption (b). That is an improper citation. My appeal must be sustained on that basis and the agency must cite the specific exemption authorized under the FOIA.

2. I am appealing that the Agency has improperly denied portions of my request under 5 U.S.C. 552(b)(6) as shown below:

a. Agency has redacted the information contained in block 5 of Enclosure (2) entitled GENERAL SCHEDULE (GS) GRADE AND STEP. This same information has been released for other Department of Navy personnel, including for Mr. G. E. Lattin, Director, Department of Navy General Litigation Division (Code 14) to whom this appeal is submitted. Moreover, release of this information is specifically authorized DoD 5400.11-R as shown below:

DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

C4.2.2.5.1. DoD Civilian Employees:

C4.2.2.5.1.1.1. Name.

C4.2.2.5.1.1.2. Present and past position titles.

C4.2.2.5.1.1.3. Present grade.

C4.2.2.5.1.1.4. Present annual salary rate.

C4.2.2.5.1.1.5. Present and past duty stations.

C4.2.2.5.1.1.6. Office and duty telephone number.

C4.2.2.5.1.1.7. Current Position Description.

b. The Agency states that, "this record contains personally identifiable information (e.g. , names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b) (6), since release of this information would result in a clearly unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted." As shown above this information is specifically authorized for release and has been released for other Department of Navy personnel, including Mr. G. E. Lattin, Director, Department of Navy General Litigation Division (Code 14) to whom this appeal is submitted.

3. I am appealing that the Agency did not perform a reasonable search for responsive records and did not provide the specific record sought under the FOIA. Notwithstanding the improper denial above, the record provided is the interim performance appraisal, which is blank for critical elements and all other entries. The Agency did not provide the Performance Plan that is in effect for the beginning of the rating period containing the critical elements and other information.

4. I am appealing that the Agency has cited an improper date for my FOIA request, which is dated June 20, 2015 (vice June 22, 2015 stated in the Agency's letter) and was submitted via the web on June 20, 2015.

Appellate Authority Action Requested. I am asking that:

- (1) each of the elements of the basis of my appeal be addressed separately;
- (2) each element of my appeal be sustained;
- (3) my FOIA request be remanded back to the Agency for direct reply to me; and,
- (4) I be granted new appellate rights following a subsequent reply by the Agency.

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I will greatly appreciate your thoughtful consideration of my request. Please contact me if you have any questions regarding this request. Thank you in advance.

With my respect,

Robert Hammond

Robert Hammond

Lattin, Grant E CIV OJAG, CODE 14

From: (b) (6) LT OJAG, Code 14
Sent: Thursday, July 30, 2015 15:01
To: Lattin, Grant E CIV OJAG, CODE 14
Cc: (b) (6) LT OJAG, CODE 14; Winston, Wendy A CIV OJAG, CODE 14
Subject: RE: FOAI Appeal - DON- NAVY-2015 - 006938

Good afternoon sir,

(b) (5)

V/r,

(b)(6)

-----Original Message-----

From: Lattin, Grant E CIV OJAG, CODE 14
Sent: Monday, July 20, 2015 6:54 AM
To: (b) (6) LT OJAG, Code 14
Cc: (b) (6) LT OJAG, CODE 14; Winston, Wendy A CIV OJAG, CODE 14
Subject: FW: FOAI Appeal - DON- NAVY-2015 - 006938

Attached is a new FOIA appeal.

Grant Lattin
Director, General Litigation Division
OJAG (Code 14)
202-685-4592

-----Original Message-----

From: (b) (6) @aol.com [mailto:(b) (6) @aol.com]
Sent: Saturday, July 18, 2015 7:06 AM
To: Lattin, Grant E CIV OJAG, CODE 14
Cc: DONFOIA-PA
Subject: FOAI Appeal - DON- NAVY-2015 - 006938

Robert Hammond

(b) (6)

(b) (6) @aol.com

July 17, 2015

Office of the Judge Advocate General

General Litigation Division (Code 14)

1322 Patterson Ave., SE, Suite 3000

Washington Navy Yard, DC 20374-5066

Subject: Appeal of My FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON)
PA/FOIA Program Office

My Personal Reference Number: FOIA DON 15-B

DON Assigned Agency FOIA Case Number DON- NAVY-2015 - 006938

References: (a) The Freedom of Information Act (FOIA)

(b) The Privacy Act

(c) CFR 164.526

(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program

(e) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation

(e) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011: "Your Right to Federal Records" (see <http://publications.usa.gov/USAPubs.php?PubID=6080> <<http://publications.usa.gov/USAPubs.php?PubID=6080>>)

(g) DoD 5400.11-R, May 14, 2007, Department of Defense Privacy Program

(h) Department of Justice Freedom of Information Act Guide, May 2004 at Exemption 6
<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6> <<http://www.justice.gov/oip/foia-guide-2004-edition-exemption-6>>

Enclosure: (1) My FOIA Request of June 20, 2015 Subject FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office

(2) DON final decision letter 5720, Ser DNS-36SF/15U106036 of 29 JUN 15 with responsive documents

Dear Sir:

This appeal is submitted under the references above for my FOIA request dated June 20, 2015 at Enclosure (1), which seeks records of the current performance standards of Ms. Robin Patterson as described below. The Agency's reply is at Enclosure (2). The Agency is improperly denying portions of my request inappropriately citing the FOIA Exemption (b)(6) and asserting that release would constitute a clearly unwarranted invasion of personal privacy under 5 U.S.C. 552(b)(6). There is no personal privacy interest in the information sought. This denial is capricious, arbitrary and a misuse of the privacy exemption. In addition, some information has been redacted without a clear citation of the authorized exemption and the records provided are otherwise incomplete.

Records Sought Under the FOIA. For the government official identified as Robin Patterson Head, Department of the Navy (DON) PA/FOIA Program Office, Office of the Chief of Naval Operations 2000 Navy Pentagon Washington, DC 20350-2000, I am respectfully seeking the current and most recent performance standards. Note that I am not seeking the performance evaluations, only the performance standards. Other agencies have freely released this information for their personnel without charge.

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1. I am appealing that the Agency has redacted the information contained in block 3 of Enclosure (2) entitled EMPLOYEE ID citing exemption (b). That is an improper citation. My appeal must be sustained on that basis and the agency must cite the specific exemption authorized under the FOIA.
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C4.2.2.5.1.1.6. Office and duty telephone number.

C4.2.2.5.1.1.7. Current Position Description.

b. The Agency states that, "this record contains personally identifiable information (e.g. , names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b) (6), since release of this information would result in a clearly unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted." As shown above this information is specifically authorized for release and has been released for other Department of Navy personnel, including Mr. G. E. Lattin, Director, Department of Navy General Litigation Division (Code 14) to whom this appeal is submitted.

3. I am appealing that the Agency did not perform a reasonable search for responsive records and did not provide the specific record sought under the FOIA. Notwithstanding the improper denial above, the record provided is the interim performance appraisal, which is blank for critical elements and all other entries. The Agency did not provide the Performance Plan that is in effect for the beginning of the rating period containing the critical elements and other information.

4. I am appealing that the Agency has cited an improper date for my FOIA request, which is dated June 20, 2015 (vice June 22, 2015 stated in the Agency's letter) and was submitted via the web on June 20, 2015.

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I will greatly appreciate your thoughtful consideration of my request. Please contact me if you have any questions regarding this request. Thank you in advance.

With my respect,

Robert Hammond

Robert Hammond

From: (b) (6) [CIV OGC, AGC Intel](#)
To: (b) (6) [LT OJAG, Code 14](#)
Cc: (b) (6) [CIV DGC, WASH NAVY YARD](#)
Subject: RE: FOAI Appeal - DON- NAVY-2015 - 006938
Date: Friday, July 31, 2015 12:52:33

(b) (5)

V/r,

(b) (6)

-----Original Message-----

From: (b) (6) LT OJAG, Code 14
Sent: Friday, July 31, 2015 9:36 AM
To: (b) (6) CIV OGC, AGC Intel
Subject: FW: FOAI Appeal - DON- NAVY-2015 - 006938

Good morning (b) (6),

(b) (5)

Very respectfully,

(b) (6)

LT, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (202)685-4596
DSN: 325-4596
FAX: (202) 685-5472

-----Original Message-----

From: (b) (6) LT OJAG, Code 14
Sent: Thursday, July 30, 2015 3:08 PM
To: (b) (6) CIV DGC, WASH NAVY YARD
Subject: FW: FOAI Appeal - DON- NAVY-2015 - 006938

Good afternoon (b) (6),

(b) (5)

Very respectfully,

(b) (6)

LT, JAGC, USN
Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Avenue, SE, STE 3000
Washington Navy Yard, DC 20374
TEL: (202)685-4596
DSN: 325-4596
FAX: (202) 685-5472

-----Original Message-----

From: (b) (6) @aol.com [mailto:(b) (6) @aol.com]
Sent: Saturday, July 18, 2015 7:13 AM
To: (b) (6) LT OJAG, Code 14
Cc: perseverance2013@aol.com
Subject: Fwd: FOAI Appeal - DON- NAVY-2015 - 006938

Good morning, LT (b) (6).

Please confirm by return email that this appeal has been received and entered into your appeal tracking log effective today.

Thank you.

With my respect,

Robert Hammond

From: (b) (6) @aol.com
To: (b) (6) @navy.mil
CC: donfoia-pa@navy.mil
Sent: 7/18/2015 7:06:21 A.M. Eastern Daylight Time
Subj: FOAI Appeal - DON- NAVY-2015 - 006938

Robert Hammond

(b) (6)

(b) (6) @aol.com

July 17, 2015

Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Ave., SE, Suite 3000
Washington Navy Yard, DC 20374-5066

Subject: Appeal of My FOIA Request – Performance Standards of Robin Patterson, Head,
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My Personal Reference Number: FOIA DON 15-B

DON Assigned Agency FOIA Case Number DON- NAVY-2015 - 006938

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(b) (6)

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July 17, 2015

Office of the Judge Advocate General
General Litigation Division (Code 14)
1322 Patterson Ave., SE, Suite 3000
Washington Navy Yard, DC 20374-5066

Subject: Appeal of My FOIA Request – Performance Standards of Robin Patterson, Head,
Department of the Navy (DON) PA/FOIA Program Office

My Personal Reference Number: FOIA DON 15-B

DON Assigned Agency FOIA Case Number DON- NAVY-2015 - 006938

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(d) DoD 5700.7-R, September 1998, DoD Freedom of Information Act (FOIA)
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With my respect,

Robert Hammond
Robert Hammond

Robert Hammond

(b) (6)

(b) (6) @aol.com

June 20, 2015

Department of the Navy via FOIA Online, <https://foiaonline.regulations.gov/> and donfoia-pa@navy.mil

Subject: FOIA Request – Performance Standards of Robin Patterson, Head, Department of the Navy (DON) PA/FOIA Program Office

Requester Personal Reference number: FOIA DON 15-B

- References:
- (a) Joint publication of U.S. Department of Justice, Executive Office of the President and U.S. General Services Administration of July 2011, "Your Right to Federal Records"
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 - (c) DoD 5400.7-R, September 1998, DoD Freedom of Information Act (FOIA) Program
 - (d) DoD 6025.18-R, Jan. 24, 2003, DoD Health Information Privacy Regulation
 - (e) GAO Report GAO-12-828 of July 2012, subject Freedom of Information Act
 - (f) Department of Justice Handbook for Agency Annual Freedom of Information Act Reports

Dear Sir.

I am submitting this request under the Freedom of Information Act, U.S.C. subsection 522. If you deem that any portion of this request must be processed under the Privacy Act, please notify me in writing within the FOIA response timeframe and continue processing under that Act. If you deny all or any part of this request, please cite each specific exemption you think justifies your refusal to release the information under the applicable Act(s) and notify me of appeal procedures available under the law. Please preserve all responsive or potentially responsive records and records of your searches in your FOIA case file until the statutory date for judicial review has passed (should that be necessary) or in accordance with a NARA approved records schedule, if longer.

Records Sought Under the FOIA. For the government official identified as Robin Patterson Head, Department of the Navy (DON) PA/FOIA Program Office, Office of the Chief of Naval Operations 2000 Navy Pentagon Washington, DC 20350-2000 I am respectfully seeking the current and most recent performance standards. Note that I am not seeking the performance evaluations, only the performance standards. Other agencies have freely released this information for their personnel without charge.

Public Interest. There is public interest in records whether or not performance standards of those adjudicating FOIA requests have incorporated governing laws, regulations and policies. Further, there is public interest in whether or not such offices are following prescribed procedures and are

processing appeals in a uniform, fair and consistent manner from all requesters. The requested records concern "the operations or activities of the government." Release of all records sought establishes accountability of government office and personnel. The disclosure is "likely to contribute" to an understanding of government operations or activities and contribute to an understanding of the subject by the public. This is a simple request. Records would likely be maintained by the WRNMMC Department Chief, HIPAA/Privacy Act/FOIA/Civil Liberties Office.

Agreement to Pay Fees. I agree to pay fees for searching or copying the records up to \$100. If the fees exceed this amount please advise me of the cost. I believe that the records that I am seeking contribute significantly to public understanding of the operations or activities of the Department of Defense. I do not believe that there should be any charge for providing these records, as there is public interest in government operations and procedures for correcting privacy act request and alleged Privacy Act violations in a uniform, fair and consistent manner for all requests/complaints. I am a private individual not seeking documents for commercial use, such that the following applies: "No fees may be charged by any DoD Component if the costs of routine collection and processing of the fee are likely to equal or exceed the amount of the fee. With the exception of requesters seeking documents for a commercial use, Components shall provide the first two hours of search time, and the first one hundred pages of duplication without charge." I would note that because I am requesting a PDF file, there should not be a per page copy fee. This is a simple request. All documents should have been consolidated into a case file, per governing laws, regulations and policies. Searching for records beyond the case files may be necessary, but there should not be a fee to the requester for any failure by DHA or WRNMMC to properly store all documents in the case file and retain them in accordance with an approved NARA record schedule. Should you determine that there is a charge for this request, please include the calculation of the charge and along with your determination of the costs of routine collection and processing of the fee. As there is public interest (discussed above), I am requesting a fee waiver.

Some Applicable References.

- Reference (a) states that for requests "that will require more than ten days for the agency to process, the FOIA requires agencies to assign a tracking number to your request. Each agency must provide a telephone number or website by which a requester can use the assigned tracking number to obtain information about the status of a pending request."
- DoD 5400.11-R, May 14, 2007, paragraph C3.1.1O. states: "Time Limits. "DoD Components normally shall provide access within 20 working days after receipt of the request. If access cannot be given within the 20 working day period, the requester shall be notified in an interim response." Please provide me a tracking number for this request.
- Reference (c) states, "DoD personnel are expected to comply with the FOIA, this Regulation, and DoD FOIA policy in both letter and spirit. This strict adherence is necessary to provide uniformity in the implementation of the DoD FOIA Program and to create conditions that will promote public trust."

I believe that I have adequately described the records that I am seeking. If you believe that my request is unclear, if you have any questions, or if there is anything else that you need from me to

complete this request in a timely manner, please contact me in writing, so that I may perfect my request. If you deem that any portion of my request is unclear, answer the remaining portions and I will perfect a request for additional material as needed.

Thank you in advance.

With my respect,

(b) (6)

Robert Hammond

Copy to:

christopher.a.julka@navy.mil, steven.muck@navy.mil, CC: (b) (6) @FE.NAVY.MIL,
(b) (6) @navy.mil, (b) (6) @mail.mil, donfoia-pa@navy.mil, (b) (6) ctr@navy.mil,
(b) (6) @navy.mil



DEPARTMENT OF THE NAVY

OFFICE OF THE CHIEF OF NAVAL OPERATIONS
2000 NAVY PENTAGON
WASHINGTON, DC 20350-2000

5720

Ser DNS-36SF/15U106036

29 JUN 15

Mr. Robert Hammond

(b) (6)

Dear Mr. Hammond:

This letter is sent in reference to your Freedom of Information Act (FOIA) request dated June 22, 2015. Your request was received in our office on the same day and assigned FOIA case number DON-NAVY-2015-006938.

You requested: "For the government official identified as Robin Patterson Head, Department of the Navy (DON) PA/FOIA Program Office, Office of the Chief of Naval Operations 2000 Navy Pentagon Washington, DC 20350-2000 I am respectfully seeking the current and most recent performance standards. Note that I am not seeking the performance evaluations, only the performance standards. Other agencies have freely released this information for their personnel without charge."

In regard to your request, a search of our offices for potentially responsive documents produced one record: "The Department of the Navy (DON) Interim Performance Appraisal Form for Robin R. Patterson." Upon review, we determined that this record contains personally identifiable information (e.g., names, phone numbers, and email addresses), which is exempt from disclosure under 5 U.S.C. § 552(b)(6), since release of this information would result in a clearly unwarranted invasion of personal privacy. The portions containing this information have been marked and redacted. The remaining apportioned information is being released to you.

Because your request is partially denied, you are advised of your right to appeal the denial of your request by writing to:

Office of the Judge Advocate General
1322 Patterson Ave, SE, Ste 3000
Washington Navy Yard, DC 20374-5066

Enclosure (2)

5720

SER DNS-36SF/15U106036

29 JUN 15

Your appeal must be postmarked within sixty calendar days from the date of this letter. A copy of your initial request and this letter must accompany the appeal. The appeal should be marked "FREEDOM OF INFORMATION APPEAL" both on the envelope and the face of the letter. In order to expedite the appellate process and ensure full consideration of your appeal, your appeal should contain a brief statement of the reasons you believe this decision to be in error.

Additionally, the 2007 FOIA amendments directed the Chief FOIA Officer of each agency to designate one or more FOIA Public Liaisons. Please be advised that the DON FOIA Public Liaison is available to assist in disputes between the requester and the agency. The role of the Liaison is to provide FOIA requesters with an avenue to raise concerns about the service received from a Navy Requester Service Center. You may write to the DON FOIA Public Liaison at Department of the Navy Chief Information Office (DON CIO), 1000 Navy Pentagon, Washington, DC 20350-1000. Alternately, you may contact the DON FOIA Public Liaison via telephone at (703) 695-1297, via fax at (703) 614-4388, or via email at DONFOIAPublicLiaison@navy.mil.

Questions regarding the action this office has taken during the processing of your request may be directed to our FOIA Service Center at (202) 685-0412.

Sincerely,



R. Strong
By direction

DEPARTMENT OF THE NAVY (DON) INTERIM PERFORMANCE APPRAISAL FORM

PRIVACY ACT STATEMENT

AUTHORITY 5 U.S.C. Chapter 43 Performance Appraisal and SORN DPR 34

PURPOSE(S) The information requested is used for performance planning and results reporting documentation requirements for the DON Interim Performance Management System for positions transitioned from NSPS to GS

ROUTINE USES The information provided in this form will only be accessed by command personnel with a defined need to know for the purpose of meeting the requirements of the DON Interim Performance Management System

DISCLOSURE Voluntary, however failure to provide the information requested may impede, delay or prevent further processing

SECTION 1 - PERFORMANCE PLAN

PART A - ADMINISTRATIVE DATA

1. APPRAISAL PERIOD:		a. START DATE: 01 Oct 2014	b. END DATE: 30 Sep 2015
2. EMPLOYEE NAME (Last, First, Middle Initial): PATTERSON ROBIN, W		3. EMPLOYEE ID: [REDACTED]	
4. POSITION TITLE: SLTPV MANAGEMENT ANALYST		5. GENERAL SCHEDULE (GS) GRADE AND STEP: [REDACTED]	
6. ORGANIZATION: 47032 CNO OP-09B1			

PART B - PERFORMANCE PLAN DOCUMENTATION

1. POSITION DESCRIPTION CERTIFICATION ☐ I certify that the employee's position description (PD) is current and accurate
(to be completed by Rating Official)

2. PLAN DOCUMENTATION

The following signature blocks document the required steps in the appraisal process. The Performance Plan column must be filled in upon initial development of the performance plan. Should any changes to the plan be made during the appraisal period, the Adjusted Elements column(s) on Page 2 will be filled in to reflect the information at the time of the change. The Progress Review column must be filled in upon completion of the required Progress Review. The Annual Assessment column must be filled in upon completion of the required Annual Assessment at the end of the appraisal period. Should a Close-out Assessment be required, the Close-out Assessment column(s) on Page 2 will be filled in to reflect the information at the time of the Close-out Assessment.

Once Senior Rating Official approves each part, fields in the part will be locked for further editing.

	PERFORMANCE PLAN	PROGRESS REVIEW	ANNUAL ASSESSMENT
MEANS OF DELIVERY:	Face-to-Face	Face-to-Face	Face-to-Face
RATING OFFICIAL NAME, TITLE, ORGANIZATION:			
RATING OFFICIAL SIGNATURE:			
RATING OFFICIAL SIGNATURE DATE:			
SENIOR RATING OFFICIAL NAME, TITLE, ORGANIZATION:			
SENIOR RATING OFFICIAL SIGNATURE:			
SENIOR RATING OFFICIAL SIGNATURE DATE:			
Employee Signature Implies Acknowledgement And Does Not Constitute Agreement With Content			
EMPLOYEE SIGNATURE:			
EMPLOYEE SIGNATURE DATE:			

PART D - CRITICAL ELEMENT PERFORMANCE STANDARDS

A critical element performance standard is a general description of a level, requirement, or expectation of employee performance that must be met to be appraised at a particular level of performance. Performance standards are contained in Appendix C of the document Interim Performance Management System Covering Positions Transitioning to the General Schedule from NSPS and are defined by career stage - entry, journey, and expert. A single career stage will be used for all critical elements. The supervisory performance standard is used only for supervisory critical elements. Select the appropriate career stage below.

☐ Entry ☐ Journey ☒ Expert Supervisor Yes ☒ No ☐

Career Stage: Expert

Element Level: Acceptable

- Delivered on each critical element with broad and significant impact that was in alignment with the mission and objectives of the organization as well as applicable authorities, standards, policies, procedures and guidelines anticipating and overcoming significant obstacles.
- Established priorities and coordinated work across projects, programs or people, balancing work demands and anticipating and overcoming obstacles to achieve a timely and positive outcome.
- Demonstrated high standards of professional conduct and represented the organization or work unit effectively

Career Stage: Expert

Element Level: Unacceptable

- Failed to achieve all or part of the stated critical element; or
- Failed in the accomplishment of priorities and coordination of work across projects, programs or people; consistently failed to balance work demands resulting in an untimely and unproductive product or event; or
- Demonstrated poor cooperation or inability to work with others.

Career Stage: Supervisory

Element Level: Acceptable

- Achieved expected results by effectively carrying out established supervisory responsibilities.
- Demonstrated adequate EEO and Affirmative Action awareness in areas of supervision and leadership.
- Supported use of Alternative Dispute Resolution to resolve conduct and performance concerns at the lowest level and early timeframe to ensure the workplace provided a harmonious climate.
- Instituted measures to foster productivity and safety.
- Provided timely performance feedback at a minimum of two times during the performance cycle; took appropriate corrective action to address instances of inappropriate conduct and/or unacceptable performance.

Career Stage: Supervisory

Element Level: Unacceptable

- Failed in the accomplishment of priorities and coordination across projects, programs, and people; consistently failed to balance work demands of employees resulting in untimely or unproductive products or events; or
- Failed to demonstrate adequate EEO and Affirmative Action awareness in areas of supervision and leadership; or
- Failed to support the use of Alternative Dispute Resolution to resolve conduct and performance concerns to ensure the workplace provides a harmonious climate; or
- Failed to provide timely performance feedback as required during the rating cycle or to take appropriate corrective action to address instances of inappropriate conduct and/or unacceptable performance.

PART E0 - ORIGINAL CRITICAL ELEMENTS

CRITICAL ELEMENT 1 **TITLE**

CRITICAL ELEMENT 2 **TITLE**

CRITICAL ELEMENT 3 **TITLE**

CRITICAL ELEMENT 4 **TITLE**

CRITICAL ELEMENT 5 **TITLE**

PART E2 - ADJUSTED CRITICAL ELEMENTS

CRITICAL ELEMENT 1	TITLE
CRITICAL ELEMENT 2	TITLE
CRITICAL ELEMENT 3	TITLE
CRITICAL ELEMENT 4	TITLE
CRITICAL ELEMENT 5	TITLE

PART F - PROGRESS REVIEW

At least one progress review will be completed for each employee during the appraisal period. At this time, the employee will be informed of how they are progressing with regard to their critical elements. Progress reviews do not require the assignment of a rating of record.

CRITICAL ELEMENT 1	TITLE: MANAGE DON FOIA PROGRAM
CRITICAL ELEMENT 2	TITLE: MANAGE DON PRIVACY PROGRAM
CRITICAL ELEMENT 3	TITLE: Supervisory
CRITICAL ELEMENT 4	TITLE:
CRITICAL ELEMENT 5	TITLE:

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G1 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 2 TITLE:

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G1 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 4 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G2 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 1 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G2 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 3 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G2 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 5 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G3 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 2 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART G3 - CLOSE-OUT ASSESSMENT

CRITICAL ELEMENT 4 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART H - ANNUAL ASSESSMENT

To receive a rating of record, an employee must have performed for a minimum period of 90 days under an approved performance plan in the same position. If necessary, an employee's rating period may be extended by the rating official with approval from the senior rating official beyond the end of the rating period to allow for the 90-day minimum to be met, as long as the extension does not interfere with the ability to manage any part of the rating and rewarding process for the employee's organization.

CRITICAL ELEMENT 1 TITLE MANAGE DON FOIA PROGRAM

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART H - ANNUAL ASSESSMENT

CRITICAL ELEMENT 3 **TITLE** Supervisory

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT

PART H - ANNUAL ASSESSMENT

CRITICAL ELEMENT 5 TITLE

EMPLOYEE SELF-ASSESSMENT

RATING OFFICIAL ASSESSMENT



DEPARTMENT OF THE NAVY
OFFICE OF THE JUDGE ADVOCATE GENERAL
1322 PATTERSON AVENUE SE SUITE 3000
WASHINGTON NAVY YARD DC 20374

IN REPLY REFER TO:

5720

Ser 14/339

Jul 22, 2015

Mr. Robert Hammond

(b) (6)

Dear Mr. Hammond

SUBJECT: FREEDOM OF INFORMATION ACT APPEAL DON-NAVY-2015-007659

This letter acknowledges receipt of your correspondence regarding your Freedom of Information Act (FOIA) appeal that was received in our office on Jul 18, 2015. Your case has been assigned file number DON-NAVY-2015-007659. Please refer to that file number for any future questions or correspondence concerning your appeal.

In fairness to all requesters, we process all appeals in the order in which they are received. Processing times may be affected by the number and complexity of pending appeals. For that reason, we are unable to provide an estimated completion date at this time. Your rights to judicial review will not be prejudiced by waiting for a substantive determination regarding your appeal. We will work as expeditiously as possible, however, to respond to your request within 20 working days as outlined in the FOIA regulations.

You may contact me at 202-685-5446 or (b) (6) @navy.mil if you have any questions concerning the processing of your appeal. Please provide your last name and the above assigned file number in any correspondence.

Sincerely,

Wendy A. Winston
Legal Administrative Specialist
General Litigation Division